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Attorney for Plaintiff

UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

EUGENE DIVISION

NICOLE GILILLAND, an individual,

Plaintiff,

vs.

SOUTHWESTERN OREGON COMMUNITY COLLEGE DISTRICT BY AND THROUGH ITS BOARD OF EDUCATION,
an Oregon community college District and Board; **SOUTHWESTERN OREGON COMMUNITY COLLEGE**, an Oregon community college;

Defendants.

Case No. 6:19-cv-00283-MK

**PLAINTIFF'S MOTION TO
MODIFY PLAINTIFF'S PRO-
POSED JURY INSTRUCTIONS IN
LIGHT OF NEW DECISION**

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Plaintiff filed her proposed jury instructions and verdict form on April 26, 2022. Subsequently, the United States Supreme Court issued its ruling in *Cummings v. Premier Rehab Keller, P.L.L.C.*, No. 20-219, 2022 U.S. LEXIS 2230, at *1 (Apr. 28, 2022).

In that case, the Supreme Court determined that “emotional distress” damages are not available under statutes prohibiting recipients of federal financial assistance from discriminating on the basis of certain prohibited characteristics. Accordingly, Plaintiff hereby submits these revised proposed jury instructions, removing portions that were in conflict with the Supreme Court’s ruling. Plaintiff’s proposed instruction specifically removes from the non-economic damages instruction the portion of that instruction that provided for an award of non-economic damages extending from “emotional distress.” The revised instruction is attached hereto as Exhibit A.

DATED: May 3, 2022.

PARSONS BEHLE & LATIMER

/s/ Michael W. Young

Brandon J. Mark

Michael W. Young

Attorney for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on this 3rd day of May, 2022, I caused to be filed a true and correct copy of the foregoing **PLAINTIFF'S MOTION TO MODIFY PLAINTIFF'S PROPOSED JURY INSTRUCTIONS IN LIGHT OF NEW DECISION** with the Court's ECF system, which sent notice of such filing to counsel for all parties hereto.

/s/ Michael W. Young